IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

BEN DOYLE VAUGHN, III §

VS. § CIVIL ACTION NO. 1:16-CV-408

UNITED STATES OF AMERICA §

ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Ben Doyle Vaughn, III, a prisoner confined at the LaSalle Federal Facility in Beaumont, Texas, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge. The Magistrate Judge recommends dismissing the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner is a pretrial detainee who is challenging the constitutionality of two searches and seizures. Because petitioner is able to challenge the constitutionality of the searches and seizures in the pending criminal proceeding, he has not shown exceptional circumstances warranting habeas relief. *See United States v. Saegert*, 251 F.2d 59, 60 (5th Cir. 1957) (holding that a pretrial detainee may not use a petition for writ of habeas corpus to

interfere with a criminal prosecution under ordinary circumstances). After careful consideration of all the pleadings and the relevant case law, the court concludes that petitioner's objections lack merit.

ORDER

Accordingly, petitioner's objections (document no. 6) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 4) is **ADOPTED**. A final judgment will be entered in this case in accordance with this memorandum order.

So **ORDERED** and **SIGNED** this 6 day of **December**, 2016.

Ron Clark, United States District Judge

Rm Clark